

**THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CRAIGVILLE TELEPHONE CO. d/b/a	)	
ADAMSWELLS; and CONSOLIDATED	)	
TELEPHONE COMPANY d/b/a CTC,	)	
	)	
Plaintiffs,	)	No. 1:19-cv-07190
	)	
vs.	)	Judge John Z. Lee
	)	
T-MOBILE USA, INC.; and	)	
INTELIQUENT, INC.,	)	
	)	
Defendants.	)	

**JOINT STATUS REPORT**

Pursuant to the Court's Minute Entry [ECF No. 87], the parties respectfully submit this Joint Status Report.

**I. PROGRESS OF DISCOVERY**

Discovery has not commenced in this proceeding. Both Defendants have pending motions to dismiss under Fed. R. Civ. P. 12(b) on file and the time frame for serving of initial disclosures and commencement of discovery has not been triggered [*see id.* ¶¶ A.3, A.4]. Plaintiffs' Motion to Establish Date for Initial Disclosures and to Commence Discovery [ECF No. 31] was taken under advisement following the January 22, 2020 status conference in this matter [*see* ECF No. 59].

**II. THE STATUS OF BRIEFING ON ANY UNRESOLVED MOTIONS**

The following motions have been fully briefed and are pending:

1. Plaintiffs' Motion to Establish Date for Initial Disclosures and to Commence Discovery [ECF No. 31]
2. Inteliquent's Motion to Dismiss First Amended Complaint [ECF No. 48]

3. Inteliquent's Motion for Primary Jurisdiction Referral [ECF No. 50]
4. T-Mobile's Motion to Dismiss Plaintiff's First Amended Class Action Complaint [ECF No. 54]
5. Plaintiff-Intervenors' Motion to Intervene [ECF No. 72]

### **III. AGREED PROPOSED SCHEDULE FOR THE NEXT 60 DAYS**

The parties await the Court's resolution of the pending motions, and will then propose a schedule as appropriate.

### **IV. REQUEST FOR ANY AGREED ACTION THAT THE COURT CAN TAKE WITHOUT A HEARING**

The parties have not reached consensus regarding any such request.

### **V. REQUEST FOR TELEPHONE OR IN-PERSON HEARING IN THE IMMEDIATE FUTURE**

#### **Plaintiffs' Position**

Plaintiffs respectfully request that the Court hold a telephonic hearing at the Court's earliest opportunity for the purpose of determining whether discovery in this matter may commence. In that regard, Plaintiffs and Plaintiff-Intervenors observe that the assignment of new cases into the Mandatory Initial Disclosure Pilot Project ("MIDP") concluded on June 1, 2020, and it does not appear that the MIDP has been renewed. Accordingly, the parties have not benefited from assignment to the MIDP, which was intended to make discovery more efficient. For this reason, Plaintiffs request that the Court conclude that the parties no longer remain bound by the MIDP, which has prevented discovery from commencing in this matter while Defendants' motions to dismiss are pending. Plaintiffs request that discovery be commenced while the motions remain pending, as permitted by the Federal Rules of Civil Procedure.

#### **Defendants' Position**

Defendants respectfully submit that the parties' positions concerning Plaintiffs' motion to

commence discovery have been thoroughly set forth in the pending motions as well as at the January 22, 2020 status conference, and no telephonic hearing is needed. The case falls squarely within the thoughtful purposes and provisions of the MIDP, including that no discovery has issued as the case is still subject to what Defendants respectfully submit are well-taken motions to dismiss. The fact that new cases filed after June 1, 2020 are no longer within the scope of the initial three-year period of the MIDP has no bearing on the present matter, which was assigned into the MIDP prior to the conclusion of that initial three-year period [*see* ECF No. 6]. Defendants oppose Plaintiffs' requests that the Court determine the MIDP is no longer applicable and that discovery be commenced while the motions to dismiss remain pending.

Dated: July 21, 2020

Respectfully submitted,

/s/ David T.B. Audley

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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 21st day of July, 2020, I served the foregoing **Joint Status Report** via the ECF system on parties that have consented to the same in accordance with applicable Federal Rules of Civil Procedure and the Local Rules of the U.S. District Court for the Northern District of Illinois.

\_\_\_\_\_/s/ David T.B. Audley\_\_\_\_\_  
David T.B. Audley